

GORDP005US

REMARKS***Terminal Disclaimer***

Applicant notes with thanks the acceptance and recording of  
5 the terminal disclaimer.

***Claim Rejections - 35 USC § 102***

Applicant's independent claims 1 and 9 are amended to specify  
discharge of the live ammunition "toward a target."

10 Even if we assume for the sake of argument that Cote et al.,  
Bridges, and Riposa et al. all detect "an actual discharge of live  
ammunition," that is insufficient to sustain a 25 U.S.C. 102(b) or  
102(e) rejection of applicant's independent claims.

15 All three of Cote et al., Bridges, and Riposa et al. appear in  
some way to monitor the flight of a projectile so that a camera can  
be used to photograph the projectile itself while the projectile is  
in flight. There is nothing in any of Cote et al., Bridges, or  
Riposa et al., separately or in combination, to suggest, disclose  
or motivate applicant's amended independent claim 1 which recites  
20 "saving photographic images of a target based on detecting an  
actual discharge of live ammunition from the firearm toward said  
target." Similarly for independent claim 9.

To anticipate applicant's claims under 35 U.S.C. 102, these  
references must disclose applicant's invention as a whole. They  
25 clearly do not. Each and every element of applicant's claim must  
be discernable from these references. They clearly are not. Even  
if these references detect an actual discharge of live ammunition,

GORDP005US

they do not in any way disclose, suggest or motivate taking "photographic images of a target." Nor do they disclose, suggest or motivate that these "photographic images of a target" are to be "based on detecting an actual discharge of live ammunition."

5 These references only suggest taking photographs of the ammunition itself, while that ammunition is in flight.

That is, these references may - for the sake of argument - disclose one element of applicant's claims, namely, "detecting discharge," but they do not in any way anticipate applicant's 10 claimed invention as a whole which includes saving photographic images of a target based on detecting discharge. In different terms, "detecting discharge" as taught by these references is used for a very different purpose than "detecting discharge" according to applicant's invention. Following discharge, these references 15 disclose photographing the ammunition in flight; applicant teaches photographing the target of the ammunition, possibly as it is being struck. There is nothing to disclose, suggest, or motivate applicant's invention as a whole from any of these three references.

20 It appears that examiner was reading the unamended claims broadly, and was concluding that the term "of a target" in the expression "saving photographic images of a target" might read on photographing the ammunition itself, i.e., that a broad reading of the unamended claims might equate "ammunition" to "target." Of course, ammunition cannot be the target of the ammunition because 25 ammunition cannot be targeted at itself.

To foreclose such a reading, applicant has amended claim 1 to

GORDP005US

specify "saving photographic images of a target" together with "actual discharge of live ammunition from a firearm toward said target." A similar amendment is made for claim 9. Because it is impossible for ammunition to be its own target or to be discharged 5 toward itself, this amendment makes clear that what is photographed is the target of the ammunition, and that the word "target" refers to what the ammunition is discharged toward.

In this way, it is no longer possible for claims 1 and 9 to read on any of Cote et al., Bridges, or Riposa et al., because the 10 possible interpretations of the word "target" are suitably-narrowed to encompass the "target" toward which the ammunition is discharged. Therefore, the 35 U.S.C. 102 rejections based on a broad reading which equates "target" with "ammunition," are hereby overcome.

15

#### CONCLUSION

As a consequence of the foregoing, having overcome all grounds of rejection, applicant looks forward to receiving a notice of allowance in the near future.

Respectfully submitted,



Jay R. Yablon, Registration # 30604  
910 Northumberland Drive  
Schenectady, New York 12309-2814  
Telephone / Fax: (518) 377-6737